

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael M. Gibson, Chair  
Dr. Richard E. Wardwell  
Brian K. Hajek  
Alan S. Rosenthal (Special Assistant to the Board)

In the Matter of

CROW BUTTE RESOURCES, INC.

(License Renewal for the  
In Situ Leach Facility, Crawford, Nebraska)

Docket No. 40-8943

ASLBP No. 08-867-02-OLA-BD01

July 31, 2015

ORDER  
(Redaction of Documents)

The Board may have occasion to use certain documents at the upcoming August 24, 2015 evidentiary hearing that are not listed on any party's exhibit list and that appear not to be publicly available. Most of these documents, as identified below by ADAMS number, apparently are marked as not publicly available because they may contain information about cultural sites protected under the National Historic Preservation Act and related state laws.<sup>1</sup> The Board wishes to afford the parties an opportunity to review these documents before the hearing to prevent any accidental release of non-public information. By Monday, August 10, 2015, the parties shall jointly (1) advise the Board if any of the documents in ADAMS that are listed below contain material that should not be disclosed to the public, (2) state the law or privilege that prevents disclosure of such material to the public, and (3) produce to the Board and the parties

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<sup>1</sup> Many of these documents have been disclosed as part of the 10 C.F.R. § 2.336 disclosure process. See NRC Staff Hearing File Update 76, attach. 2, at 1 (Apr. 15, 2015) (ADAMS Accession No. ML15105A609); Crow Butte Resources' Initial Disclosures on Newly Admitted/Amended Contentions and Updated Witness List, attach. A, at 1–2 (Apr. 15, 2015) (ADAMS Accession No. ML15105A530) [hereinafter "Crow Butte Updated Disclosures"].

public versions of such documents that redact any material that should not be disclosed to the public.

Consultations Related to Traditional Cultural Properties (TCP) Survey Development

- ML120590330 – February 14, 2012 Section 106 Consultation Meeting Transcript
- ML120590341 – February 15, 2012 Section 106 Consultation Meeting Transcript
- ML12171A342 – April 24, 2012 Conference Call Transcript
- ML12248A204 – August 9, 2012 Conference Call Transcript
- ML12264A599 – August 21, 2012 Conference Call Transcript
- ML13161A362 – May 23, 2013 Section 106 Consultation Meeting Transcript

Proposed Statements of Work Related to TCP Survey Development

- ML120870189 – March 8, 2012 Crow Butte Applicant Proposed Statement of Work
- ML12278A189 – September 27, 2012 Dewey Burdock Makoche Wowapi Tribe Proposed Statement of Work

In addition to the foregoing, the Board has identified other documents that could not be found in ADAMS but that the Board may have occasion to use at the upcoming hearing:

- (1) at least one updated Applicant Proposed Statement of Work (and possibly other substantially similar documents) regarding the TCP Survey of the Crow Butte license renewal area,<sup>2</sup> and
- (2) at least one Tribe Proposed Statement of Work (and possibly other substantially similar documents) regarding the TCP Survey of the Crow Butte license renewal area.<sup>3</sup>

By Monday, August 10, 2015, the parties shall likewise jointly (1) advise the Board if any of these documents contain material that should not be disclosed to the public, (2) state the law or privilege that prevents disclosure of such material to the public, and (3) produce to the Board

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<sup>2</sup> Crow Butte Updated Disclosures, attach. A, at 1–2 (Production Bates Numbers CBR-LR-000759, CBR-LR-000764 through CBR-LR-000767).

<sup>3</sup> See E-mail from Haimaniot Yilma, Project Manager, NRC, Inviting Undisclosed Recipients to August 9, 2012 Teleconference (Part 2 of 2) (Aug. 7, 2012) (ADAMS Accession No. ML12261A426).

and the parties public versions of such documents, and any other substantially similar documents, that redact any material that should not be disclosed to the public.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Michael M. Gibson, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
July 31, 2015

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
CROW BUTTE RESOURCES, INC.	)	Docket No. 40-8943-OLA
	)	
In-Situ Leach Uranium Recovery Facility,	)	
Crawford, Nebraska	)	
	)	
(License Renewal)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Redaction of Documents)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

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DOCKET NO. 40-8943-OLA

**ORDER (Redaction of Documents)**

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[Original signed by Clara Sola \_\_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
This 31<sup>st</sup> day of July, 2015